

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Mark Kirkpatrick

Serial No. 09/604,965

Filing Date: June 28, 2000

Confirmation No.: 6374

Group Art Unit: 2626

Examiner: Michael N. Opsasnick

Docket No. 190252-1810

For: SYSTEMS AND METHOD FOR EMAIL NOTIFICATION

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Statement of Reasons for Allowance includes some broad conclusory statements that may be viewed as an oversimplification of the examination issues, and if taken out of context, could give rise to an improper interpretation of the claims as well as the file history. For these reasons, Applicant provides the following comments.

First, Applicant asserts that there are multiple grounds supporting allowance of the presently pending claims, including grounds in addition to those stated in the Statement of Reasons for Allowance. Accordingly, it should not be assumed that Applicant agrees with the accuracy of the characterizations of the cited references and the claim elements in the Statement of Reasons for Allowance.

Second, in accordance with 35 U.S.C. § 282: "Each claim of a patent (whether in independent, dependent, or multiple dependent form) shall be presumed valid

independently of the validity of other claims; dependent or multiple dependent claims shall be presumed valid even though dependent upon an invalid claim.” Thus, any dependent claims that are not addressed by the Statement of Reasons for Allowance should not rise or fall, when construed in terms of validity, with their respective independent claims, but instead should be construed independently of their respective independent claims.

Third, the scope and validity of each claim (whether in independent, dependent, or multiple dependent form) should be determined based upon the entire combination of elements/features/steps in each claim, as opposed to only the particular feature or features pointed out by the Statement of Reasons for Allowance.

Respectfully Submitted,

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& RISLEY, L.L.P.**

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